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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,267	02/02/2006	Lotta Norinder	38474	1337
116 7590 06/20/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER				
MULLER, BRYAN R				
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
06/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/544,267

**Applicant(s)**

NORINDER ET AL.

**Examiner**

BRYAN R. MULLER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 01 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 3/27/2008. These drawings are not acceptable because they fail to comply with 37 CFR 1.121 (f). The replacement drawing (Fig. 4) is considered to include new matter because the drawing shows specific structure, orientation and relative size of the second handle that is not properly supported by the original application. Therefore, the amendments to the drawings filed on 3/27/2008 have not been entered.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment having a handle bar comprising two handles (claim 7) must be shown or the feature(s) canceled from the claim(s). As discussed supra, the replacement drawing sheet showing the handle bar having two handle has not been entered. Therefore, the embodiment having two handles is still not shown in the drawings. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: the preamble of claim 1 indicates "At least one handle", which makes it unclear if the applicant is claiming a handle or more than one handle. Further, the body of the claim refers alternatively to "said handle", indicating a singular handle" and "the at least one handle", indicating an optional more than one handle. It is suggested, based on what is supported by the original drawings *and* specification, that the applicant replace the term "At least one handle" in the preamble of claim 1 with "A handle" and change all references to "the at least one handle" to reference "the handle" or "said handle". Appropriate correction is required.
4. Claims 2-12 are objected to because of the following informalities: the word "Handle" in line 1 of claims 2-12 should all be replaced by the term "The handle".

Further, as discussed supra, relative to claim 1, it is also suggested that all references to "the at least one handle" be replaced by reference to "the handle" or "said handle".

Appropriate correction is required.

5. Claim 7 is objected to because of the following informalities: the limitation of a "handle bar comprising two handles" is not shown in the drawings, and should accordingly be deleted from the claims. Appropriate correction is required.

6. Claim 8 is objected to because of the following informalities: the term "the curved arm" in line 4 of claim 8 lacks proper antecedent basis. It is assumed, because the applicant deleted reference to the arm being curved in line 2 of claim 8 and line 2 of claim 9, that the applicant also intended to delete the word "curved" from line 4 of the claim and the claim will be treaded as such for the sake of the current Office Action. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if claim 7 is intending to claim that the handle, being claimed in claim 1 is in the form of a handle bar comprising two handles or if the applicant is intending to claim that the blower tube includes a handle bar comprising two handles in addition to the handle of claim 1. In the case that the applicant is intending

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to claim that the handle of claim 1 is in the form of a handle bar with two handles thereon, it appears as though the applicant is completely changing the claimed structure of the handle and it further would be unclear which of the handles is being referred to in claim 1 as having a longitudinal axis that is outside the circumference of the blower tube, thus further confusing the claim and still not supported by the drawings, as discussed supra. In the case that the applicant is attempting to claim that the blower tube includes a handle bar comprising two handles in addition to the handle of claim 1, the claim would fail to further limit the actual handle that is being claimed in claim 1 and would therefore be rejected by the same prior art reference as claim 1, to be discussed below. Because claim 7 is best understood to either claim an embodiment that is not supported by the original application or as failing to further limit the claims, claim 7 will not be considered with regard to patentability over the prior art.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

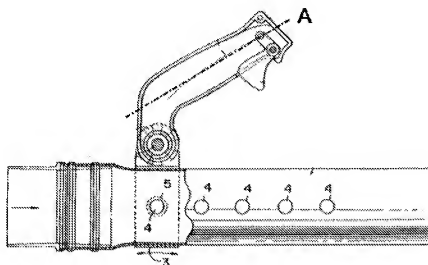
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (5,083,340).

11. In reference to claim 1, Takahashi discloses a handle (13) for a blower (Col. 2, lines 6-7) which is inherently capable of being used for a blower that is carried on the back of an operator, said handle also being inherently capable of being placed on a stiff section (1; although not specifically disclosed as a stiff section, the tube disclosed by Takahashi appears to be a relatively stiff section that is not easily deformable) of a blower tube which is inherently capable of extending from the blower, characterized in that the handle is placed on an arm (either portions 7 and 8 may be considered to form the arm or the section between grip portion 13 and connection portion 11 may be considered to be the arm) that extends in a substantially perpendicular direction from the blower tube (sections 7 and 8 clearly extending perpendicular to the tube and the section between grip portion 13 and connection portion 11 is inherently capable of being positioned perpendicular to the tube, as shown below) further characterized in that a longitudinal axis of the handle is placed outside the circumference of the stiff section (1) of the blower tube (in the position shown in Figs. 1 and 2 of Takahashi, showing the same position, or as shown below, the longitudinal axis, A below, of the handle is clearly positioned outside the circumference of the blower tube) when seen in a plane perpendicular to the longitudinal axis of the stiff section (1) of the blower tube (as shown in Fig. 2), and that the projection of the longitudinal axis of the handle in said plane is parallel to a straight line extending through the geometrical center of the cross section of the stiff section (1) of the blower

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tube. A line passing through the geometric center of the cross section of the tube may pass through in any direction, only being defined by the single center point. Therefore, it is inherent that a straight line may exist that is parallel to the longitudinal axis of the handle and passes through the center point of the tube, no matter how the handle is positioned or oriented.



12. In reference to claim 2, Takahashi further discloses that the cross section of the tube is a circle and the handle is configured to be placed on the cross section that is a circle. Although the cross section shown in Fig. 2 is not a complete circle, the protrusions (4) are only positioned at select parts of the tube. Therefore, the parts of the tube between the sections having protrusions (4) will clearly have a circular cross-section that the handle is inherently capable of being placed on.

13. In reference to claims 3 and 4, although the specific dimensions of the handle and tube of Takahashi are not disclosed, the angle of the handle (13) is adjustable

relative to the outer surface of the tube (1) of Takahashi. Therefore it would be inherent that the distance between the outer side of the blower tube and any surface of the handle that a users hand may be placed during normal use may be adjusted to fall within 15 and 60 millimeters.

14. In reference to claim 5, when the handle is loosened (using screw member 17) and moved in the direction of the axis of the tube to a position between protrusions (4), the handle will inherently be capable of being moved around the circumference of the blower tube. Alternatively, it would further be inherent that the handle could be removed from the tube altogether, wherein the handle may clearly be moved around the circumference of the tube.

15. In reference to claim 6, Takahashi further discloses that the position of the handle may be adjusted in an axial direction along the tube.

16. In reference to claim 8, Takahashi further discloses that the handle is placed on the arm (either portions 7 and 8 or the section between grip portion 13 and connection portion 11, as discussed supra), so that the handle is inherently capable of being positioned such that the position of the handle will be closer to an operator than the position where the curved arm is secured to the blower tube. When the handle is tilted to a position wherein the longitudinal axis of the handle is substantially perpendicular to the longitudinal axis of the blower tube, the handle will clearly be closer to an operator than the position where the (curved; the section between grip portion 13 and connection portion 11 is clearly curved) arm is attached to the tube (approximately at screw member 17).

17. In reference to claim 9, Takahashi further discloses that the arm is secured to the blower tube by a loop (3) surrounding the blower tube.

18. In reference to claim 10, Takahashi further discloses that the loop is secured to the blower tube by a screw (17) activated by a wheel (18).

19. In reference to claim 11, Takahashi further discloses that the curved arm and the handle is turnable when the screw (17) is loosened so that the angle between the longitudinal axis of the handle in relation to the longitudinal axis of the blower tube is changed.

20. In reference to claim 12, as discussed supra, the art, when considered to be the section between the grip portion 13 and connection portion 11, is curved.

### ***Response to Arguments***

21. Applicant's arguments filed 3/27/2008 have been fully considered but they are not persuasive. The applicant argues that the Takahashi reference fails to anticipate the claims, specifically independent claim 1. The applicant argues that the Takahashi fails to disclose that the handle is placed on an arm that extends in a perpendicular direction from the blower tube, and further suggests that the portion between parts 13 and 11 would extend radially instead of perpendicularly from the blower tube. However, as discussed supra, portions 7 and 8 may be considered to be "the arm" that is clearly positioned perpendicular to the blower tube and the portion between parts 13 and 11, as shown in the Figure included above is clearly positioned to be radial, which is also considered to be perpendicular to the longitudinal axis of the blower tube. The applicant

further argues that the longitudinal axis of the handle is not outside the circumference of the blower tube when seen in a plane perpendicular to the longitudinal axis of the stiff section of the blower tube. However, as shown above, in Figure 2 of Takahashi or in a position wherein the handle is in a vertical position, the handle does not cross the circumference of the blower tube. Therefore, the longitudinal axis of the handle is clearly outside of the circumference of the blower tube.

**22.** Applicant's arguments, see "REMARKS", filed 3/27/2008, with respect to the rejections of claims 1, 2 and 7-9 over the Malmqvist et al (D481,497) reference have been fully considered and are persuasive. The rejection of claims 1, 2 and 7-9 over the Malmqvist et al (D481,497) reference has been withdrawn.

### ***Conclusion***

**23.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmierer (3,586,238) and Wagner et al. (5,813,088) both disclose blowers having handle with similar structure and function as the applicant's claimed invention and Kumpf (EP 1 400 317 A1) discloses a handle having similar structure as the applicant's claimed invention, which would be capable of use on a blower tube.

**24. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN R. MULLER whose telephone number is (571)272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. R. M./  
Examiner, Art Unit 3723  
6/10/2008

/Joseph J. Hail, III/  
Supervisory Patent Examiner, Art Unit 3723